

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- v. -

MARK CINA,

Defendant.

- - - - - X

:

: CONSENT PRELIMINARY ORDER
: OF FORFEITURE/
: MONEY JUDGMENT

: S1 18 Cr. 29 (CS)

:

WHEREAS, on or about April 11, 2018, MARK CINA, (the
"defendant"), was charged in a two-count Information, S1 18 Cr. 29
(CS) (the "Information"), with mail fraud, in violation of Title
18, United States Code, Section 1341 (Count One); and tax evasion
in violation of Title 26, United States Code, Section 7201 (Count
Two);

WHEREAS, the Information included a forfeiture
allegation as to Count One, seeking forfeiture to the United
States, pursuant to Title 18, United States Code, Section
981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any
and all property, real and personal, that constitutes or is derived
from proceeds traceable to the commission of said offense,
including but not limited to a sum of money in United States
currency representing the amount of proceeds traceable to the
commission of the violation alleged in Count One of the
Information;

WHEREAS, on or about April 11, 2018, the
defendant pled guilty to Count One of the Information, pursuant to

a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit, Title 18, United States Code, Section 981(a)(1)(C), a sum of money equal to \$2,548,820.00 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Information;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$2,548,820.00 in United States currency representing the amount of proceeds traceable to the offense charged in Count One of the Information that the defendant personally obtained; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds derived from the offense charged in Count One of the Information that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney, Benjamin Allee, of counsel, and the defendant, and his counsel, John R. Ingrassia, Esq. and William T. Burke, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the defendant pled guilty, a money judgment in the amount of \$2,548,820.00 in United States currency

(the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Information that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, MARK CINA, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service", and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to 21 U.S.C. § 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Chief of the Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: 

BENJAMIN ALLEE
Assistant United States Attorney
Southern District of New York
300 Quarropas Street
White Plains, New York 10601
Tel: (914) 993-1962

9/20/18
DATE

MARK CINA,
DEFENDANT

By: 

MARK CINA

9/20/18
DATE

By: 

JOHN R. INGRASSIA, ESQ.
Larkin, Axelrod, Ingrassia &
Tepermayster LLP
356 Meadow Avenue
Newburgh, NY 12550

9/20/18
DATE

By: 

WILLIAM T. BURKE, ESQ.
O'Neil & Burke, LLP
7135 North Water Street
Poughkeepsie, NY 12601

9/20/2018
DATE

SO ORDERED:


HONORABLE CATHY SEIBEL
UNITED STATES DISTRICT JUDGE

9/20/18
DATE